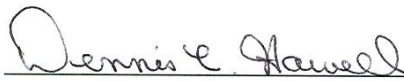


To the extent that Defendant seeks to exclude specific testimony as to verbal amendments to the marketing agreement that are not contained in the factual allegations as set forth in the Amended Complaint, the Court **DENIES without prejudice** the motion [# 147]. The Court **INSTRUCTS** Plaintiff that prior to offering such testimony to inform the Court, and the Court will allow Defendant an opportunity to renew its motion. The Court will then consider the motion in light of the evidence at trial.

Signed: January 6, 2015

A handwritten signature in cursive script, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell
United States Magistrate Judge

